

ORIGINAL

Approved: David R. Felton
 DAVID R. FELTON
 Assistant United States Attorney

Before: THE HONORABLE PAUL E. DAVISON
 United States Magistrate Judge
 Southern District of New York

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	:	
UNITED STATES OF AMERICA	:	<u>COMPLAINT</u>
	:	
- v. -	:	Violations of 8 U.S.C.
	:	§§ 1326(a) & (b)(2)
MARTIN ADAM PINNOCK,	:	
a/k/a "Martin Dwight Pinnock,"	:	
a/k/a "Martin Adams,"	:	COUNTY OF OFFENSE:
a/k/a "Steve Burn,"	:	Orange
	:	18m9710
Defendant.	:	
	:	
- - - - -	X	

SOUTHERN DISTRICT OF NEW YORK, ss.:

HAKEEM O. FOLAJAIYE, being duly sworn, deposes and says that he is a Deportation Officer with the United States Department of Homeland Security, Immigration and Customs Enforcement, and charges as follows:

COUNT ONE

1. From at least in or about October 2018, in the Southern District of New York and elsewhere, MARTIN ADAM PINNOCK, a/k/a "Martin Dwight Pinnock," a/k/a "Martin Adams," a/k/a "Steve Burn," the defendant, being an alien, unlawfully did enter, and was found in, the United States, after having been removed from the United States subsequent to a conviction for the commission of an aggravated felony, without having obtained the express consent of the Attorney General of the United States or his successor, the Secretary for the Department of Homeland Security, to reapply for admission.

(Title 8, United States Code, Sections 1326(a) & (b)(2).)

The bases for my knowledge and the foregoing charge are, in part, as follows:

2. I am a Deportation Officer with the United States Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), and I have been personally involved in the investigation of this matter. This affidavit is based in part upon my conversations with law enforcement agents and others and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. From my review of the records maintained by ICE regarding MARTIN ADAM PINNOCK, a/k/a "Martin Dwight Pinnock," a/k/a "Martin Adams," a/k/a "Steve Burn," the defendant, I have learned, among other things, the following:

a. PINNOCK is a native and citizen of Jamaica. PINNOCK is not and has never been a citizen of the United States.

b. On or about January 24, 1989, PINNOCK was convicted in the New York Supreme Court, Kings County, for Attempted Criminal Sale of a Controlled Substance in the Third Degree, in violation of New York State Penal Law §§ 110/220.39 (the "January 24, 1989 Conviction"). PINNOCK was sentenced to a term of probation of five years.

c. On or about February 18, 1999, PINNOCK was removed from the United States pursuant to an Immigration Judge's order, which was entered on or about November 20, 1998. On or about February 18, 1999, the date of PINNOCK's removal, the United States Immigration and Naturalization Service ("INS") took PINNOCK's fingerprints.

d. On or about November 24, 1999, approximately nine months after his removal, PINNOCK was arrested by the Philadelphia Police Department ("PPD").¹ The PPD took PINNOCK's fingerprints incident to his arrest.

¹ As set forth in Paragraph 6, despite PINNOCK's presence in the United States approximately nine months after his removal, a search of all relevant Department of Homeland Security indices has confirmed that, following his removal from the United States on or about February 18, 1999, PINNOCK never obtained the express consent of the Attorney General of the United States, or the Secretary for the Department of Homeland Security, to reapply for admission to the United States.

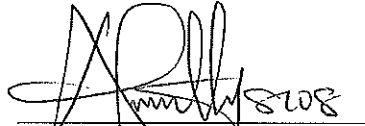
4. Based on my review of the criminal history record for MARTIN ADAM PINNOCK, a/k/a "Martin Dwight Pinnock," a/k/a "Martin Adams," a/k/a "Steve Burn," the defendant, I have learned, in substance and in part, that on or about October 28, 2018, PINNOCK was arrested by the New York State Police ("NYSP") in Newburgh, New York and charged with unlawful possession of marijuana, driving while intoxicated, and operating a motor vehicle with .08 of 1% alcohol or more in blood. On or about October 31, 2018, ICE took PINNOCK's fingerprints.

5. Based on my review of a fingerprint comparison report prepared by another law enforcement official at the Federal Bureau of Investigation ("FBI"), I have learned, in substance and in part, that the fingerprints that ICE took from MARTIN ADAM PINNOCK, a/k/a "Martin Dwight Pinnock," a/k/a "Martin Adams," a/k/a "Steve Burn," the defendant, on or about October 31, 2018, match the fingerprints taken from PINNOCK on or about February 18, 1999, at the time of PINNOCK's deportation, and also match the fingerprints taken from PINNOCK on or about November 24, 1999, when PINNOCK was arrested by the PPD.

6. A search of all relevant Department of Homeland Security indices has confirmed that, following his removal from the United States on or about February 18, 1999, MARTIN ADAM PINNOCK, a/k/a "Martin Dwight Pinnock," a/k/a "Martin Adams," a/k/a "Steve Burn," the defendant, never obtained the express consent of the Attorney General of the United States, or the Secretary for the Department of Homeland Security, to reapply for admission to the United States.

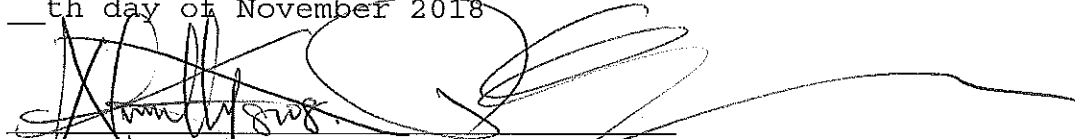
7. Based on my training and experience with ICE, I understand that the January 24, 1989 Conviction qualifies as an aggravated felony within the meaning of Title 8, United States Code, Section 1326(b)(2).

WHEREFORE the deponent requests that a warrant be issued for the arrest of MARTIN ADAM PINNOCK, a/k/a "Martin Dwight Pinnock," a/k/a "Martin Adams," a/k/a "Steve Burn," the defendant, and that he be arrested and imprisoned or bailed, as the case may be.



HAKEEM O. FOLAJAIYE
Deportation Officer
Immigration and Customs Enforcement

Sworn to before me this
th day of November 2018



THE HONORABLE PAUL E. DAVISON
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK

11/14/18